

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (previously presented) A method of operating a communications network, including:

automatically varying at a customer terminal, depending on network loading as detected at the customer terminal, a tariff for network usage by the customer terminal, the network loading being indicative of a current status of network congestion as detected at the customer terminal; and

calculating a charge for the network usage by the customer terminal using the tariff.

2. (previously presented) A method according to claim 1, further including detecting at the customer terminal a network performance parameter which depends on network loading, and varying the tariff depending on the network performance parameter.

3. (original) A method according to claim 2, in which the network is a packet network and the network performance parameter is the number of packets lost in transmission between a data source and the customer terminal.

4. (previously presented) A method according to claim 1, further including detecting a congestion signal at the customer terminal and varying the tariff in response

to the congestion signal.

5. (previously presented) A method according to claim 4, further including reading a congestion signal at the customer terminal from a data packet received at the customer terminal.

6. (previously presented) A method according to claim 4, further including generating a congestion signal at a router in the network in response to the detection of congestion at the router.

7. (previously presented) A method according to claim 1, wherein automatically varying the tariff at the customer terminal includes making a first relatively smaller increase in the tariff when congestion is first detected, and making at least one further, relatively larger increase, if the congestion persists.

8. (previously presented) A method according to claim 1, further including programming a decision agent at the customer terminal with user-determined price criteria, and comparing a price calculated using the tariff with the price criteria.

9. (previously presented) A method according to claim 1, further including distributing a tariff algorithm via the communications network to a plurality of terminals and calculating at each terminal, using the tariff, a charge for network usage by the terminal.

10. (previously presented) A method according to claim 9, further comprising steps, carried out by a network operator, of:

intermittently sampling traffic between the customer terminal and the network, and as part of the sampling, recording network loading affecting the customer terminal; and

for the sampled traffic, comparing a charge calculated by the customer terminal and an expected charge and detecting thereby any discrepancy.

11. (previously presented) A method according to claim 1, in which when the customer terminal detects congestion in data transmitted to the customer terminal from a data source via the network, the customer terminal returns a congestion notification signal to the data source.

12. (previously presented) A method according to claim 1, further including at a customer terminal, selecting a period of time for which the tariff is to be fixed and paying a premium depending on the duration of the period.

13. (canceled)

14. (previously presented) A communications network including:  
means for detecting network loading locally at a customer terminal, the network loading being indicative of a current status of network congestion as detected locally at

the customer terminal;

means responsive to the means for detecting arranged automatically to vary a tariff for network usage by the customer terminal; and

means for calculating a charge for the network usage by the customer terminal using the tariff.

15. (previously presented) A customer terminal for use in a communications network, the customer terminal including:

means for detecting a local amount of loading of a network, which is indicative of a current status of network congestion perceived by the customer terminal, to which, in use, the customer terminal is connected;

means responsive to the means for detecting and arranged automatically to vary a tariff for network usage by the customer terminal;

means for calculating a charge for the network usage by the customer terminal using the tariff.

16. (previously presented) A customer terminal for use in a communications network, the customer terminal including one or more processors arranged to carry out the following steps in sequence:

detecting a local amount of loading of resources in a network, which is indicative of a current status of network congestion perceived by the customer terminal, to which the customer terminal is connected; and

automatically varying in dependence on the detected loading a tariff for network

usage by the customer terminal;

calculating a charge for the network usage by the customer terminal using the tariff.

17. (previously presented) A method according to claim 1, in which the tariff is varied only if the terminal fails to reduce its output in response to detected congestion.

18. (previously presented) A method as in claim 1, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal computing device.

19. (previously presented) A method as in claim 18, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal computing device.

20. (canceled)

21. (previously presented) The customer terminal in claim 15, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal computing device.

22. (previously presented) The customer terminal as in claim 16, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal

computing device.

23.-25. (canceled)

26. (new) A method according to claim 1, wherein:

said communications network has a global amount of networking loading;

said network loading detected at the customer terminal comprises a local observation of the network loading, the local observation of the network loading being indicative of the current status of network congestion as perceived by the customer terminal; and

said automatically varying the tariff includes automatically varying the tariff based on said local observation.

27. (new) A method as in claim 26, wherein the customer terminal one of a mobile telephone, an intelligent phone and a personal computing device.

28. (new) A method as in claim 26, wherein said detecting the local observation includes the customer terminal counting the number of data packets sent or received across a network interface with the customer terminal.